

Having worked in television production for the better part of a decade before moving to the more lucrative computer business, I can say with certainty that this proposed policy is completely counterproductive.

The first problem with this policy is that it takes away basic fair use rights protected under U.S. copyright law. Specifically, it would make time shifting certain programs impossible without breaking several laws. This alone is sufficient cause for alarm, since it has significant negative impact on legitimate use of digital media.

Second, this law will have no effect whatsoever on anything that any reasonable person would consider to be inappropriate use of digital media content. That's right. No effect whatsoever. To explain why, I'll have to tell you about a little psychology experiment I once conducted.

I used to do videotaping of various events and sold tapes. Watch next time you see a professional crew doing this. How many people do you see with camcorders in the audience? Sure, the policy says that you can't do it, but people do anyway. Few of those people buy tapes.

Well, in a fit of basic psychology, I decided to turn that around. We explicitly allowed people to videotape concerts that we were shooting. Guess what? Most of the people who taped the concert bought tapes from us after that. Part of it was the "wow, you really don't mind?" factor, and part of it was that they'd seen our production work and knew it would be of high quality. The biggest reason given, though, was that they could tape their children -- the part that they want -- and then they'd pay for our tape to get to see the whole group. In short, we gave them the right to get the use that they desired out of the experience, and they rewarded us for it. Turns out that this is a fairly common phenomenon. For example, in a corporate environment, things treated as super-secret are always leaked far more than things treated as "kinda secret".

Even though this seems obvious to folks who have really studied the phenomenon, to the average person, the findings are somewhat surprising. What they show is that the more freedom you give people, in general, the less likely they are to take advantage of it.

For example, how many people even thought about pirating movies and selling them before Macrovision tried to make it impossible? A few, sure, but not many. Then a protection scheme comes along, and suddenly it's a challenge, and black market tape houses spring up everywhere. By contrast, companies like Red Hat give away their software, and... horror of horrors, people still pay money for it. (Don't you dare say they're paying for support....)

In a similar vein, I buy lots of music, rip it all to MP3, and listen to it on my iPod. Convenient medium, and all that. I don't go trading MP3s or anything juvenile like that. That having been said, the day I get a CD I can't rip is the day I stop buying music. I'd rather make my own.

Long story short, this proposal is without merit and should be thrown out entirely. It provides what most consider inconsequential security while

criminalizing fair use. By taking away basic freedoms, it encourages people to take illegal actions to get around it. Basic human nature tells us that if someone goes to such trouble, they're likely to say "well, I've done that much, why not go further and hack around the protection, then post the movies on the internet". By passing laws like this one, you are actually causing the problem that you're trying to prevent.

The slippery slope that this proposed law represents serves no one's best interests except the interests of unscrupulous individuals who would build and sell copy protection breaking hardware and/or software.

Do everyone a favor and shoot this proposal in the head now before it's too late. If this becomes law, I don't even want to think about how much more popular copyright infringement will likely become -- something which, as a content producer myself, I really don't want to see happen.